



DEPARTMENT OF THE NAVY
NAVAL SURFACE WARFARE CENTER
CARDEROCK DIVISION

NAVAL SHIP SYSTEMS
ENGINEERING STATION
5001 S. BROAD STREET
PHILADELPHIA, PA 19112-1403

IN REPLY REFER TO

5720
Ser004/41
July 2, 2014

SENT VIA EMAIL

(b) (6)

TKC Enterprises Inc., DBA
2703 N Belt Line Road
Irving, TX 75062

SUBJECT: FOIA REQUEST - CONTRACT N65540-14-P-5207

Dear (b) (6) :

The Naval Surface Warfare Center, Carderock Division has received a Freedom of Information Act (FOIA) request for a copy of Contract N65540-14-P-5207. Attached please find a copy of the Award/Contract document that the Agency intends to release to the requester.

In accordance with Executive Order 12600, I am advising you of this request for information and inviting you to examine the records which your company may consider exempt from release under exemption 4 to the FOIA (5 U.S.C. 552 (b)(4)). The responsive record we have on file consists of approximately 15 pages.

Exemption 4 protects “trade secrets and commercial or financial information obtained from a person (including a business) [that is] privileged or confidential.” Two broad categories of information in federal agency records: (1) trade secrets; and (2) information that is (a) commercial or financial, and (b) obtained from a person, and (c) privileged or confidential.

Exemption 4 essentially protects two interests where information is required to be submitted as it was in this case: the Government’s interest in continuing to obtain necessary information in the future; and the submitter’s interest in not having information released where its release would likely result in substantial competitive harm. While we have already determined that the government’s exemption 4 interest – the ability to obtain necessary information in the future – will not be impaired if this information were released, we are offering you the opportunity to explain how you are likely to suffer substantial competitive harm if any or all of the information in question is released.

If you object to releasing any part of this record, please reply to this letter by July 9, 2014. This is the only opportunity we intend to provide for you to support any objections you may have to release. Merely reciting the law without tying it to the facts of your case will be rejected as non-responsive. You must address each item that you believe should be withheld,

specifically explaining how the information you want withheld meets the criteria for withholding under FOIA. For example, if you object to releasing contract pricing information because someone in your industry could manipulate the released information to “back in” to your proprietary pricing information, please demonstrate mathematically how one could derive such information and explain the substantial competitive harm that is likely to result from releasing the information in question.

Please return the responsive document, highlighting **(not “blacking out” or obscuring)** any information you want withheld. This will enable us to identify exactly what information you believe would likely cause your company substantial competitive harm, if released.

To prepare your response, you may find it helpful to consult the Justice Department’s Guide to the FOIA at <http://www.justice.gov/oip/oip.htm>. You also may wish to obtain the advice of counsel to ensure you provide the level of detail required to support any exemption 4 claims.

Upon receipt, we will review any objections you might have and reach an independent determination on releasability. Although we must reach an independent decision, your comments will assist us in ensuring that we have considered your interests. Therefore, it is very important that you explain your position to us in detail.

Please send any comments on or before July 9, 2014, to Naval Surface Warfare Center Carderock Division, Attn: Office of Counsel, (b) (6), FOIA Coordinator, 5001 S. Board Street, Bldg. 4, Philadelphia, PA 19112-1403. If you have any questions, please contact me at (b) (6), facsimile number is (b) (6) or email (b) (6).

If I do not hear from you by July 9, 2014, I will assume you have no objection to full release of the enclosed record. At that point, the release determination will be based solely on the Agency’s review.

Sincerely,

(b) (6)
FOIA Coordinator

Enclosed: Award/Contract N65540-14-P-5207